

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following discussion.

Currently claims 1 through 8, 9 to 11, 13 through 18, 20 and 21 are rejected and claims 10, 13, 20 and 21 are objected to.

Information Disclosure Statement

Applicant is submitting a revised Information Disclosure Statement including U.S. Patent No. 4,797,206.

Drawings

Applicant is submitting replacement sheets of drawings. It is believed that applicant has addressed all of the Examiner's concerns with the drawings.

Specification

The Specification has been amended consistent with the Examiner's objection to the Specification.

Claim Objections

Claims 10, 13, 20 and 21 are objected to based on

informalities. These claims have been canceled, therefore the rejections are no longer at issue.

Claim Rejections

35 U.S.C. §112, claim 21 is rejected under 35 U.S.C. §112. Claim 21 has been canceled.

Claims 1 to 3, 7, 9, 13 to 16, 20 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Bunch. Applicant has canceled claims 1-7, 9 through 11, 13 through 18, 20 and 21 and submits the following claims: 22 through 37 for this Examiner's review.

Claim 22, applicant's most representative claim, is not anticipated by Bunch, U.S. Patent No. 5,655,245. Bunch does not teach an intake portion having a first diameter and an outlet portion having a second diameter. Further, Bunch does not teach the outlet portion having a second diameter smaller than the first diameter of the intake portion nor does it possess an end portion extending centrally through the end wall of the intake portion. Applicant's invention possesses an intake portion and an outlet portion but does not teach any type of manifold aperture, which is a central element of Bunch's device. Finally, Bunch does not possess the dual handle members which allow for maneuvering of applicant's device.

Applicant's device is specifically for use on a surface

free of standing water. As such, it is argued that Bunch does not anticipate applicant's device. Bunch's device does not appear to be operable in a dry environment due to the presence of the inlet manifold 52 and manifold apertures 56. The inlet manifold 52 would prevent the creation of adequate pressure within the intake portion of applicant's device. The manifold inlet and apertures of Bunch are specifically designed to break up gravel clusters by injecting water radially into Bunch's upper housing 18. Gravel clusters are separated and individual gravel stones are cleaned of debris by water jets propelling into the gravel cleaner. Further, Bunch is not a closed system, having a manifold that allows for entry of external water. Applicant's invention has a single entry point and a single exit point. No manifold exists as a manifold would not create the desired pressure state for proper operation of applicant's invention.

Bunch's conduit sections 18 and 20 have substantially different cross-sectional areas, for reasons expressly described in Bunch, Column 1, lines 59-63, Column 2, lines 47-50, Column 4, lines 3-15. Bunch has a lower housing 20 having a lesser diameter than the upper housing 18. Bunch has a significant difference in the diameters of the upper and lower housings so as to limit the size of gravel clusters entering the upper housing, thereby preventing blockage of the outlet. Applicant's device teaches the opposite of Bunch. Applicant has an intake portion 106 which is clearly of greater diameter than the outlet portion 108. It would not have been obvious to reverse the design of Bunch to obtain applicant's invention.

In order for Bunch to relate to the structure defined in claim 22, one of ordinary skill would have to decide that despite the importance placed by Bunch on conduit sections 18 and 20 which have significantly different cross-sectional areas, that it would have been obvious to substitute a first cross-section area in the intake opening and a second, smaller cross-section area in the outlet. Even though, based on Bunch's own disclosure, such a structure would be completely unacceptable for accomplishing Bunch's purposes. Applicant's invention simply has one entrance and one outlet and applicant's invention requires a first diameter throughout the inlet or intake portion so as to create a pressure state within the intake portion. A similar pressure state is not created in Bunch due to the presence of the manifold and the difference in cross-sectional areas. The narrowing of the flow passage 120 in applicant's device from the inlet 106 to the outlet 108 causes the air flowing through the outlet 108 to accelerate. In other words, under the Bernoulli principle, fluid flowing from the larger intake through the smaller outlet portion will undergo an increase in velocity and reduction in pressure so as to carry the lighter debris upwardly but the heavier or denser rock material will fall or return under gravity to the surface. In Bunch, to the contrary, the increase in size of the pipe from inlet to outlet would have the reverse effect in reducing the velocity of the fluid as it enters the larger outlet portion coupled with the absence of an end wall leading into the outlet portion as in applicant's device to deflect any solids which may reach that level.

Finally, the handle members of applicant's device are not

shown in Bunch. Bunch describes operator handle member(s) 48 secured to lid 30. The orientation of applicant's handle members allow for maneuvering and positioning of the device along a landscape surface. For the above reasons, it is submitted that applicant's device is not anticipated nor rendered obvious by Bunch.

Claim 30 is not anticipated by Bunch. Bunch clearly does not teach a method of separating debris from rocks requiring an end wall having use as a deflection surface. The limited opening of the outlet portion of applicant's device in combination with the end wall, prevents rocks from entering the outlet portion. To further meet the subject matter of applicant's invention, one of ordinary skill would have to eliminate the radially directed fluid that is "one of the novel features" of Bunch and is used to break up gravel clusters. Finally, as stated earlier, applicant's method requires a dry environment whereas Bunch would not appear to be operable in a dry environment due to the presence of the manifold inlet preventing a proper pressure state.

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional claim fee which may be due to Deposit Account No. 18-0875.

It is therefore urged that the claims as now presented for consideration are in allowable condition and action to that end is courteously solicited. If any issues remain to be resolved, it is requested that the Examiner contact attorney for applicant at

the telephone number listed below.

Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 28th day of November, 2005.



In the Drawings:

Applicant is submitting replacement sheets of drawings. It is believe that applicant has addressed all of the Examiner's concerns with the drawings.